IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 469 (M/B) of 2006

Mahavir Singh,
S/o Sri Ajmer Singh,
resident of Village – Talupur,
Block – Bhagwanpur,
Tehsil – Roorkee,
District – Haridwar. **…….Petitioner**

V e r s u s

1. State of Uttaranchal through Secretary, Civil Supply Department, Uttaranchal, Dehradun.

2. Sub Divisional Magistrate, Roorkee, District – Haridwar.

3. Village Pradhan, Village – Talupura, Block – Bhagwanpur, Tehsil – Roorkee, District – Haridwar.

4. Riyasat Ali Dealer, Fair Price Shop, Kalawala, Block – Bhagwanpur, Tehsil – Roorkee, District – Haridwar.

…….Respondents

Coram:
Hon'ble M.M. Ghildiyal, J.
Hon'ble B.S. Verma, J.

Heard Sri Manish Arora, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents no. 1 and 2.

By means of this writ petition, the petitioner has prayed for the following reliefs:

(a) issue a writ, order or direction in the nature of Certiorari as to quash the order dated 20.03.2006 passed by respondent no. 2 (contained as Annexure No. 7) to this writ petition.

(b) Issue a writ, order or direction in the nature of Mandamus commanding the respondent no. 2 to permit the petitioner to run his fair price shop.

(c) *Pass any such other order, which this Hon'ble Court may deem fit and proper in the present circumstances of the case.*

(d) *award the cost of the petition to the petitioner.*

Petitioner is aggrieved by the order dated 20.3.2006 by which units of petitioner's shop have been attached to some other shops by respondent no. 2.

The submission of the petitioner is that prior to attaching the units of petitioner's shop Sub Divisional Magistrate, Roorkee directed Tehsildar, Roorkee to conduct an inquiry against the petitioner's shop, in view of the complaints received by him i.e. Sub Divisional Magistrate, Roorkee. Tesildar, Roorkee has conducted the inquiry and submitted inquiry report dated 29.03.2006, which is in favour of the petitioner.

In view of the above circumstances, we deem it fit and proper to direct the petitioner to make application before Sub Divisional Magistrate, Roorkee for passing fresh order, in view of the report submitted by Tehsildar, Roorkee. In case, the application moved by the petitioner before Sub Divisional Magistrate, Roorkee, within a period of ten days from today, the Sub Divisional Magistrate, Roorkee, is directed to decide the application within a period of two weeks from the date of production of certified copy of this order along with application.

With this direction the writ petition is finally disposed of. No order as to costs.

(B.S. Verma, J) **(M.M. Ghildiyal, J)**

July 27, 2006
SKSharma